



State of Delaware
Commission on Forensic Science

Minutes - 2/11/19

DFS – 1st Floor Conference Room, 200 South Adams Street
Wilmington, DE 19801

1. Welcome, Call to Order and Executive Session

- The meeting was called to order by Chair, Chief R.L. Hughes. He announced the time as 10:08 a.m. and asked for a motion to open an Executive Session pursuant to 29 Del. C §10004(6), §10002(3), Discussion of Investigatory files. Secretary Coupe made the motion to move forward and Secretary Walker seconded the motion; upon which all voting members in attendance unanimously voted approval. Chief Hughes then asked non-Commission members to please leave the room while the session was held. In attendance for Executive Session were:

Voting Commission Members

DAG Barzilai Axelrod	Department of Justice
Secretary Rob Coupe	Department of Safety & Homeland Security – Vice Chair
Chief Randall L. Hughes	Delaware Police Chiefs' Council – Chair
Major Daniel Meadows	Delaware State Troopers Association
Lisa Schwind, RN, Esquire	Office of Defense Services-Public Defender's Office
Anita Symonds, RN	Public Member
Secretary Kara Walker	Department of Health & Social Services

Commission's Legal Support

DAG Lisa Morris	Department of Justice
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Absent Voting Commission Members

Representative John Mitchell	Delaware House of Representatives
Senator Nicole Poore	Delaware State Senate

- The Executive Session adjourned at 11:25 a.m.

2. Welcome, Call to Order of Regular Meeting – Chief Hughes called the regular Commission meeting to order at 11:35 a.m. In attendance were:

Voting Commission Members

DAG Barzilai Axelrod	Department of Justice
Secretary Rob Coupe	Department of Safety & Homeland Security – Vice Chair
Chief Randall L. Hughes	Delaware Police Chiefs' Council – Chair

Voting Commission Members (Continued)

Major Daniel Meadows	Delaware State Troopers Association
Lisa Schwind, RN, Esquire	Office of Defense Services-Public Defender's Office
Anita Symonds, RN	Public Member
Secretary Kara Walker	Department of Health & Social Services

Non-voting Attendees

Commission's Legal Support

DAG Lisa Morris	Department of Justice
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Additional Non-voting Attendees

Jamie Armstrong	DFS - DNA CODIS Administrator
Gary L. Collins	DFS - Chief Medical Examiner
Johna Esposito	DFS - Quality Assurance Manager
John R. Evans	DFS - Director
Wendy Hudson	DSHS – Communications Director
Amrita Lal-Paterson	DFS – DNA Technical Leader
Melissa Newell	DFS – Forensic Chemistry Laboratory Manager
Esteban Parra	Reporter, The News Journal
Jennifer Van Zanten	DFS - DNA Casework Manager
Rebecca Walker	DFS - Chief Operating Officer

Absent Voting Commission Members

Representative John Mitchell	Delaware House of Representatives
Senator Nicole Poore	Delaware State Senate

3. Approval of the Minutes

- Chief Hughes asked for a motion to approve the minutes from the last Commission meeting. DAG Axelrod made a motion to approve; Major Meadows seconded the motion. Hearing no objections, all voting members in attendance unanimously voted to approve the minutes of the November 5, 2018 meeting.

4. Status of the Two Open Commission Positions

- Chief R.L. Hughes reported that the Commission now has a new member, leaving only one position left to fill. Unfortunately, he said, the newly appointed Commission member, Senator Nicole Poore, could not make it to the meeting today due to a scheduling conflict. Chief Hughes then read the 1/7/19 appointment letter for the record:
 - “As President Pro Tempore of the Senate and pursuant to the provisions of Title 29, Chapter 47, §4714 of the Delaware Code, I hereby appoint Senator Nicole Poore to serve as a member of the Delaware Commission on Forensic Science. Senator Poore will serve at the pleasure of the President Pro Tempore. Sincerely, David B. McBride, President Pro Tempore”.

- Chief Hughes said he looks forward to having Senator Poore on the Commission as he has worked with her in the past and is sure that she will be a very good advocate for our group.
- Chief Hughes asked if there were any news regarding the remaining open seat on the Commission. Secretary Coupe said he has not heard any news, but asked that if anyone here knows someone they think would be a good candidate for that position (criteria is to have expertise in forensic science), please let him or Chief Hughes know and it will be passed on to the Governor's office.

5. DFS Director's Report

Staffing:

- As reported at the last meeting, interviews were conducted in November for the Lab Manager I position in the Forensic Chemistry Unit. Director Evans said he is pleased to report that DFS was able to promote from within and Ashley Wang started in her new role as the Lab Manager I on December 9th.
- The casual/seasonal Forensic Investigator position at the Georgetown Office, who was in the background phase of the process at the last meeting, is now on-board and will soon be completing his field training. DFS welcomed Duane Minshall, who started in that position on December 11th.
- The casual/seasonal Pathologist position at the Georgetown Office continues to be posted on both the State and NAME websites, with little interest shown thus far. One Pathologist has been interviewed, but there are concerns with his extremely limited availability.
- Unfortunately DFS had a few resignations since our last meeting.
 - Wendy Minor, Administrative Specialist I, in the ME Unit, resigned effective December 14th. Director Evans said DFS thanks Wendy for her three years of service and wishes her the best in her retirement. That position was posted, interviews were conducted, and an offer was made. The candidate is currently in the background phase.
 - Malik Naanaa, a chemist in the Forensic Chemistry Unit, resigned effective January 23rd. Malik had been with DFS for approximately 1-½ years. He relocated to a lab close to his home in Baltimore, MD.
 - Danielle Munoz, also a chemist in the Forensic Chemistry Unit, resigned effective January 28th. Danielle joined DFS at the same time as Malik and she, too, relocated to a lab much closer to her home in upstate New York.

- In an effort to maximize the most efficient use of DFS manpower resources, these two chemist positions mentioned above were laterally transferred from the Forensic Chemistry Unit to the Toxicology Unit, whose current staffing levels are being challenged to meet an ever increasing case load. Director Evans acknowledged and commended the management team, particularly Melissa Newell, for the spirit of teamwork and cooperation toward meeting our mission.
- On a positive note, he said, DFS has had several work anniversaries since our last meeting:
 - Amrita Lal-Paterson, DNA Technical Leader, celebrated her 14th year with DFS,
 - Jamie Armstrong, the DNA CODIS Manager, celebrated her 8th anniversary,
 - Sevasti Karampela in the TOX Unit has been with DFS now for two years,
 - Chemist Reika Haskell and Investigator Johanna Gerisch have been with DFS for one year.
- DFS currently has two interns who started their internship in January. Both are University of Delaware students; one is interning in the Toxicology Unit and the second is in the DNA Unit.

Forensic Chemistry Unit:

- As reported earlier, Ashley Wang was promoted to Lab Manager I on December 9th, while both Reika Haskell and Jency Skaria were recently promoted to Analytical Chemist II's in the FCU. Director Evans congratulated each of them.
- The number of cases submitted to the Forensic Chemistry Unit increased by 12% from 2017. There was also a 23% increase in the number of exhibits submitted, all of which have to be inventoried, counted and photo documented. Despite this increase, the FCU continues to be very effective in its' case management, where they continue to average a 7-day turnaround and hold a minimal amount of cases in backlog (53).
- The validation process of the new GC instrument for fire debris analysis, as well as the updating of the SOPs, policies and worksheets, has been completed. Our second trained chemist has been working on mock cases and our on-site visit with ANAB is scheduled for March 11th. Barring any remediation from ANAB, DFS will be on track to begin fire debris testing as soon as notice is received that our accreditation has been issued. Director Evans thanked Melissa Newell, Ashley Wang and Ashley Rush for their efforts in seeing this project through.
- One of our two Forensic Evidence Specialists is currently out on an extended medical leave and Director Evans acknowledged Wendy Mohammed for effectively managing the work of two specialists during her co-worker's absence.

DNA Unit:

- The DNA Unit had a 13% increase in case submissions in 2018 as compared to 2017 and a 39% increase since 2016. On the casework side, there is a backlog of approximately 15 cases and an average turnaround time of 58 total days.
- The DNA Unit saw an approximate increase of 76% in the number of sexual assault kits submitted in 2018 when compared to 2017, and continues to accept untested kits from police agencies through the CJC SAKI grant.
- There was a total of approximately five CODIS hits or matches both at the local and National level since our last meeting. Four of those hits were as a result of the Sexual Assault Kit Initiative (SAKI). A total of 138 CODIS hits were processed in 2018, which is more than any previous year.
- All proficiency tests from 2018 were submitted on time and all results for each of the analysts were satisfactory.

Toxicology Unit:

- The Tox Unit experienced a 41% increase in post mortem cases and 43% increase in DUI cases over the average monthly case submission rate in January. Despite this significant spike in case submissions, average turnaround times for post mortem cases is 36 days and DUI cases is 29 days.
- In 2018, the Tox Unit experienced a 14% increase over 2017 in the total number of tests performed.
- The Tox Unit recently received two new Sentry benchtop fume hoods as recommended after our most recent ABFT site visit. The purchase of the hoods was made possible from funding through an OEMS grant at a cost of approximately \$20,000.00.
- Installation of the new walk-in fridge/freezer in Tox has been completed and the toxicology specimens, which were temporarily stored in the new body cooler in the morgue, were returned to the new Tox cooler in late January.

Medical Examiner Unit:

- Despite having approximately 20% of its complement currently out on Medical Leave or on a light duty status, coupled with the on-going morgue project, the team continues to provide 24/7 statewide coverage with no delay in completing autopsies or on turnaround times for release of decedents to Funeral Homes. Director Evans said this is a testament to the hard work and dedication of all involved.
- In 2018, the M.E. Unit conducted 2,293 death investigations and performed 985 post mortem examinations.

- In 2018, 3,919 cremation permits were reviewed and approved.
- The M.E. Unit has recently received several new pieces of equipment, all of which were purchased with funding provided through a CJC grant.
 - Thirteen new digital cameras and associated accessories to be used by the Forensic Investigators and Morgue Assistants during investigations in the field and during autopsies.
 - Two new body lift systems, one for each office, to assist in lifting decedents. The DFS has never before had a body lift system. DFS is hopeful that this will lead to less injury and a more efficient process.
 - Two new computers with large monitors, one for each autopsy room, to assist in reviewing DIA reports and field photographs during autopsy.

Quality Assurance:

- As reported at the last meeting, Johna Esposito, Quality Assurance Manager, sent out the DFS customer survey by e-mail to our stakeholders in late October including law enforcement, the DOJ, funeral homes, and others. There were 57 total respondents to the survey, which is an increase over last year. Director Evans said he is pleased that the majority of responses to the questions asked resulted in “meets” or “exceeds” expectations.

Morgue Renovation Project:

- The construction phase of the project is essentially completed. The new HVAC is in the process of being “commissioned”, while Facilities Management and the contractors are working to resolve several code issues that came up during a preliminary walk through by the city inspector. DFS certainly hopes and expects that the morgue will receive the Certificate of Occupancy by the end of this month. The ME Unit will begin moving supplies back into the morgue and training the staff on the new equipment prior to resuming autopsy operations here in Wilmington.

Grant Funds:

- Today, said Director Evans, he has shared that since our last meeting, the DFS has received several pieces of new equipment, the purchase of which would not have been possible without the support of grant funding from our partners in the Criminal Justice Council (CJC), OEMS, OHS and Office of Emergency Preparedness. We have also been able to provide training across all four of our disciplines due to funding through the CJC. He thanked Becky Walker for monitoring these grants.

- In mid-December, the CJC voted to approve the FY'18 Coverdell Forensic Science Improvement Grant in the amount of \$271,960.00. A large portion of this funding will go toward part of the purchase of a new Liquid Chromatography dual tandem Mass Spectrometer, which will increase our capabilities to test for fentanyl analogs in the Tox Unit. The remaining CJC funds will be used for training DFS personnel.
- Director Evans asked if there were any questions/comments concerning his report. With no questions raised, he then introduced Dr. Collins, Chief Medical Examiner, to discuss the Medical Examiner Unit's operating procedures.
 - Highlights of Dr. Collins' presentation:
 - Forensic Science: The study of applications of physical science principles to the law in the search for truth in civil and criminal matters.
 - Forensic Pathology: The medical specialty (*pathology/autopsy pathology*) that applies the principles and knowledge of the medical sciences to solve/answer legal problems.
 - Medicolegal death Investigation: Involves the investigation of the death (circumstances / scene and body) to determine:
 - ❖ Cause of death
 - ❖ Manner of death
 - ❖ Focus is more on the medical, physical, biologic, chemical, or environmental factors involved in the death and not the criminal factors that are involved.
 - Pathology: The study and diagnosis of diseases through the examination of organs, tissues, cells and bodily fluids. Pathologist: Medical doctor who subspecializes in the field of anatomic and or clinical pathology.
 - Forensic pathology is the subspecialty of pathology. The differences are that the person is trained and specialized to identify and interpret findings on deceased individuals. It additionally identifies injuries and special findings on a decedent and gives opinions as to the cause and effects of the injuries/findings on the decedent when alive.
 - Forensic pathologists learn from examining deceased individuals:
 - ❖ Study death
 - ❖ To learn how injury, diseases, drugs / toxins affect an individual to cause death
 - ❖ Learn how accurately document and interpret findings on a decedent after death.
 - Standard questions that need to be answered in a forensic death investigation are:
 - ❖ Who?
 - ❖ What?
 - ❖ When?
 - ❖ Where?
 - ❖ How?
 - ❖ Why?
 - Chief Hughes thanked Dr. Collins for the overview of the ME operation and asked if there were any questions for him.
 - Anita Symonds asked when somebody is pronounced, it is her understanding that no one can touch that person until final disposition is made by the ME, i.e., funeral home versus person taken to ME facility. Dr. Collins said it depends on where the person is pronounced and under what circumstances. For example, he said, the person could be pronounced in the field and end up at the hospital, however, if a criminal act, the hospitals have protocols to follow re: evidence preservation.

- ODS Lisa Schwind asked if a person is pronounced dead in the field, why are they brought to the hospital? Secretary Coupe said normally if pronounced at home by responding medics, law enforcement is notified and the forensic investigator is called to respond and assess the scene. Chief Hughes said he thinks the parameters for emergency responders has evolved somewhat and today, they tend to work on the person non-stop until they reach the hospital.

6. Discussion of DNA CODIS Investigation – Secretary Coupe

- In our Executive session, Secretary Coupe said he provided a briefing regarding the DNA CODIS investigation. At this time, he said he is prepared to hand out to all in attendance, the findings of the investigation, noting that this is the news release that will be provided to the press at the close of this meeting. He said that after the DOJ concluded no criminal action needed to be taken, at that point, the investigation was closed out as an administrative investigation. He continued that DFS has put into place many policies and failsafe procedures and is sure that this will not happen again. Secretary Coupe stated that there is confidence with the leadership in DNA and he has confidence in Director Evans -- DFS is in a much better place.

7. Standards & Certifications Advisory Committee

- Ms. Johna Esposito said the committee last met on 11/14/19. She said they voted and agreed on what was talked about at the Commission's last meeting; i.e., that this year, the committee will be more focused on getting a list together of what other forensic service providers are in the State of Delaware, how many people and their corresponding space needs would be while looking into the future of having all forensic providers under one roof. She said she plans to meet with the Strategic Planning committee to see what information they would like the Standards & Certifications committee to provide.
- Johna noted that the SAC's 2018 report will have an addendum included which has career ladders for all the positions in Delaware regarding forensic science. The committee hopes to present this addendum to the Commission at its next meeting.
- Johna said she was pleased to announce that two new members have been added to this committee - Major Meadows, DSP, and Lynda Kopishke, Retired Forensic Nurse with ODS

8. Commission's Findings of Actionable Items from SAC Report

- Chief Hughes recalled that at the end of the SAC presentation at our last meeting, he asked members to provide some actionable measures and recommendations to advance some of the findings in the SAC report. He said, in fact, Director Evans just reported today that two more chemists have left and it seems likely, after reading the SAC report, it's because of the initial salaries versus where we are in the career ladder -- therein lies the problem. He thinks that, at the very least, the Commission should draft a letter, perhaps to Mr. Jackson, about how do we retain new employees. Chief Hughes asked for a volunteer to draft this letter and provide it to the Commission for review.

- ODS Schwind said this turnover also causes case delays which affects everyone and there is also the effect due to the loss of institutional knowledge and, over time, could affect the quality of what goes on.
- Secretary Coupe noted this letter should go to Director Jackson, OMB, and Director Johnson, DHR. He said that the initial work Johna submitted previously was forwarded to Secretary Johnson for consideration as this was one of DHR's missions at the time. He said, however, we have not been privy to findings and do not know whether the positions here at DFS are being included in their review.

8. Strategic Planning and Advisory Committee

- DAG Axelrod said that last year his committee did a lot of work concerning physical space and existing needs; however, this year they are slowing shifting to data quantifications for different units through review of annual reports from different labs. DAG Axelrod said they are currently in the weeds about how to come up with comparable numbers. He said the committee is kicking around the data that is out there and none of the reports quantify managerial roles plus there are more complications on the TOX side so it can be said "the committee is very much a work in progress".
- DAG Axelrod that the committee is looking to schedule a meeting in March.

9. Commission's Goals/Objectives for 2019

- Chief Hughes said one clear objective was handed to us by Johna Esposito which is the reclassification of job codes and salaries and he believe the Commission should take it on. Chief Hughes then offered to write this letter and send to members for their review/edit. DAG Morris cautioned that Chief Hughes can send the letter and receive edits but not circulate them back to all Commission members, and keep in mind, they are not public.
- Chief Hughes then asked if there were any goals to be added for 2019.
- Secretary Coupe said he knows that DFS has been looking to move its operations to a larger facility. He said in his first year (2017), he went through the budget process and saw in there a \$300,000 item for DFS to pay for an architectural engineering study. The general comments basically were that this item is not sustainable - why pay an architectural firm to tell us what we already know. He said although Director Evans was successful in getting funding for the morgue project, we all know lab work space here is congested and space available is not ideal. He thinks that if we could come up with the actual square footage required, how to lay it out and then approach OMB about an existing facility, that would be very helpful to me to start a conversation with Director Jackson, Secretary Coupe noted that this will all take time but if we come up with these answers, get a search going, and then identify a location, and get Director Jackson and the Governor's support, we will have a better chance to keep the ball rolling.

Adjourn

- The meeting was adjourned at 12:35 p.m.

Next Meeting Date: Monday, May 6, 2019
DFS – Wilmington, 1st Floor Conference Room
10:30 am – 12:30 pm